

Remarks

Reconsideration of this Application is respectfully requested. Claims 10-18 and 56-89 are pending in the application, with claims 1, 56, 65, 74, 83, 85, 87, and 89 being the independent claims. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 10, 56, 65, 74, and 89

The Examiner has rejected claims 10, 56, 65, 74, and 89 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent Application Publication No. 2005/0091056 to Surace et al. ("Surace") in view of U.S. Patent Application Publication No. 2003/0005062 to Hachiya et al. ("Hachiya"). Applicants respectfully traverse.

1. The Examiner has failed to identify a single element of the combination of Surace and Hachiya corresponding to the "user" of the instant claims

Claim 10 recites, *inter alia*, "presenting an input interface to enable the user to specify personality information comprising one or more individual character traits without regard to user interaction history" and "storing, at a computing device, the individual character traits in a user profile having preference information for the user." The combination of Surace and Hachiya fails to teach or suggest at least these features of claim 10.

In making his rejection of claim 10 with respect to the foregoing features, the Examiner relies exclusively on Surace as allegedly supplying the requisite teaching or

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suggestion. As has been articulated by Applicants in prior replies, it is clear from the foregoing features that “the user”, through proper application of antecedent basis, is the same user that “specif[ies] personality information” and that has “a user profile having preference information for the user,” as recited in claim 10.

However, as argued by the Examiner in the Response to Arguments, “[t]he claimed user is so broad that it can cover subscriber/developer/actor of Surace.” (Office Action, p. 2). While this may be true in isolation (i.e., for any single instance of “user” in a claim), it is not the case in claim 10 as written, which requires that the same “user” be involved in each of the recited features.

The Examiner clearly articulates that, assuming *arguendo* that Surace does teach or suggest the claimed features in some capacity, they are nevertheless performed by different parties. In particular, the Examiner argues that, in the claim language “presenting an input interface to enable the user to specify personality information comprising one or more individual character traits without regard to user interaction history,” the user is analogized to either a subscriber or developer of Surace. At the same time, the Examiner argues that, in the claim language “storing, at a computing device, the individual character traits in a user profile having preference information for the user,” the user is analogized to an actor. (Office Action, p. 5).

However, as is claimed, the “user” of claim 10 cannot be *both*, simultaneously, the subscriber or developer of Surace *and* the actor of Surace. Moreover, because the combination of Surace and Hachiya fails to contemplate a scenario where the subscriber or developer of Surace is *the same* “user” as the actor of Surace, the Examiner must employ impermissible hindsight in order to argue the obviousness of this conclusion.

2. The Examiner's analogy fails to account for the user profile having preference information for the user

In discussing the claim feature "storing, at a computing device, the individual character traits in a user profile having preference information for the user," the Examiner argues that the "preference information" is for an "actor", where in this instance the "actor" from Surace is the user recited in the claims. Even assuming, *arguendo*, that the "actor" of Surace can serve as the "user" of the claims, storing preference information for an actor leads to an incongruent result.

In particular, dependent claim 17 recites, *inter alia*, "wherein the ***user profile*** further includes ***user interaction history information***, the method further comprising: adjusting the conversational style based on the user interaction history information." It would not be possible for Surace to teach, suggest, or disclose "user interaction history information" where the user is the "actor" of Surace, for storage in a "user profile." Such a configuration of Surace would not be readily understood by one of ordinary skill in the art, and therefore is an impermissibly broad interpretation of independent claim 10 in its recitation of a "user profile". Nor does the Examiner attempt to resolve this ambiguity regarding a "user profile" for an "actor" of Surace.

3. Hachiya does not supply the missing teaching or suggestion

Hachiya does not teach or suggest, nor does the Examiner rely on Hachiya to allegedly teach or suggest, any of the aforementioned features discussed with regard to Surace. Neither does the combination of Surace and Hachiya teach or suggest any of the

above missing features. Instead, the Examiner relies on Hachiya to allegedly teach “behavior of the virtual host modified by user interaction history.” (Office Action, p. 6).

Hachiya is directed to adjusting parameters of an agent “by the interaction with the post pet 103A performing the operation as determined by the agent parameters annexed to the E-mail.” (Hachiya at [0164]). This functionality of Hachiya does not supply the missing teaching or suggestion for the myriad features identified above that are not present in Surace.

4. Conclusion

For at least the foregoing reasons, claims 10, 56, 65, 74, and 89 are not rendered obvious by the combination of Surace and Hachiya. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of 10, 56, 65, 74, and 89 under 35 U.S.C. § 103(a).

Claims 11-18, 57-64, 66-73, and 75-88

The Examiner has rejected claims 11-18, 57-64, 66-73, and 75-88 under 35 U.S.C. § 103(a) as allegedly being obvious over Surace in view of Hachiya, and further in view of:

- **[Claims 11, 57, 66, and 75]** U.S. Patent No. 6,301,339 to Staples et al. (“Staples”);
- **[Claims 12, 58, 67, and 76]** U.S. Patent No. 5,189,702 to Sakurai et al. (“Sakurai”);
- **[Claims 13, 59, 68 and 77]** U.S. Patent No. 5,768,508 to Eikeland (“Eikeland”);

- **[Claims 14, 60, 69, and 78]** U.S. Patent No. 5,911,043 to Duffy et al. (“Duffy”);
- **[Claims 15, 61, 70 and 79]** U.S. Patent No. 6,366,882 to Bijl et al. (“Bijl”); and
- **[Claims 16-18, 62-64, 71-73 and 80-82]** U.S. Patent No. 4,531,184 to Wigan et al. (“Wigan”).

Applicants respectfully traverse these rejections. Staples, Sakurai, Eikeland, Duffy, Bijl, and Wigan do not overcome the deficiencies of Surace and Hachiya relative to independent claims 10, 56, 65, and 74 described above. Claims 11-18 depend from claim 10; claims 57-64 depend from claim 56; claims 66-73 depend from claim 65; and claims 75-82 depend from claim 74. For at least these reasons, and further in view of their own features, claims 11-18, 57-64, 66-73, and 75-82 are patentable over Surace, Hachiya, Staples, Sakurai, Eikeland, Duffy, Bijl, and Wigan. Reconsideration and withdrawal of the rejections is therefore respectfully requested.

Claims 83-88 have been rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Surace in view of Hachiya and U.S. Patent No. 4,964,077 to Eisen et al. (“Eisen”). Independent claim 83 recites, *inter alia*, “presenting an input interface to enable the user to specify personality information comprising one or more individual character traits” and “storing ... the individual character traits in a user profile including user interaction history information.” Independent claim 85 recites, *inter alia*, “a receiving module configured to receive personality information comprising one or more individual character traits” and “a storing module configured to store the individual character traits in a profile that includes interaction history information within the memory.” Independent claim 87 recites, *inter alia*, “receiving specified personality

information comprising one or more individual character traits” and “storing the individual character traits in a profile having preference information.”

As noted above with regard to independent claim 10, Surace and Hachiya do not teach or suggest the aforementioned features of independent claims 83, 85, and 87. Eisen does not teach or suggest, and is not used by the Examiner to teach or suggest, the missing feature. Accordingly, claims 83, 85, and 87 are patentable over Surace, Hachiya, and Eisen. Claims 84, 86, and 88 depend from claims 83, 85, and 87, respectively, and are also patentable over Surace, Hachiya, and Eisen for at least the same reasons as claims 83, 85, and 87, and further in view of their own respective features. Reconsideration and withdrawal of the rejections is therefore respectfully requested.

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BYRNE *et al.*
Appl. No. 09/934,121

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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